

07-23-01

JC997 U.S. PTO

09/910186

07/20/01

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. A33626-A 067252.0107  
 First Inventor Smith et al.  
 Title RECOMBINANT \* see attached  
 Express Mail Label No. EK 839 854 832 US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 74]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - ☒ Claim(s) [Total Sheets 7]
  - ☒ Abstract of the Disclosure [Total Sheets 1]
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 23]
5. Oath or Declaration [Total Pages ]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
    - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
 Box Patent Application  
 Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a. ☒ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☒ paper
  - c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Attorney (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

Prior application information:

Examiner TBA

of prior application No., 09/611,419

Group Art Unit 1653

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS



Customer Number or Bar Code Label

21003

(Insert Customer No. or Attach bar code label here)

or ☐

Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Rochelle K. Seide

Registration No. (Attorney/Agent)

32,300

Signature

Rochelle K. Seide

Date

07-20-2001

## \*Question 4 Addendum

4.a. Drawings are ☐ formal ☒ informal

## \* Question 5 Addendum

5.c. ☐ An unsigned oath or declaration is included.

## \* Question 8 Addendum

8.d. ☐ A sequence submission will follow.

## \* Question 9 Addendum

9.a. ☒ Assignment documents will follow.9.b. ☐ Assignment documents have been filed in parent application No.

## \* Question 11 Addendum

11.a. ☐ English translation will follow.

## \* Question 12 Addendum

12.a. ☐ Copies of IDS citations will follow.

## \* Question 15 Addendum

15.a. ☐ Certified copies of priority documents will follow.15.b. ☐ Certified copies of priority documents have been filed in parent application No.

Use the space below for additional information

Sequence Listing enclosed herewith comprises 53 pages.

EK 839 854 877 US

Title (continued):

RECOMBINANT VACCINE AGAINST BOTULINUM NEUROTOXIN

## Addendum Sheet 2

18a. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_  
 Prior application information Examiner \_\_\_\_\_ Group Art Unit \_\_\_\_\_

18b. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuator ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_  
 Prior application information Examiner \_\_\_\_\_ Group Art Unit: \_\_\_\_\_

18c. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. \_\_\_\_\_  
 Prior application information Examiner \_\_\_\_\_ Group Art Unit. \_\_\_\_\_

☐ Amend the specification by inserting before the first line the sentence(s)

☐ "This application is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ "This application is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein,

☐ which is a ☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of:

☐ which is based upon:

prior application No.: \_\_\_\_\_, incorporated by reference herein

Priority under 35 U.S.C. §119 is claimed based upon the following applications.

### Foreign Applications:

Country: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Country: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Country: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

### Provisional Applications:

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Serial No: \_\_\_\_\_

Filing Date: \_\_\_\_\_

## FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 2,174

### Complete if Known

Application Number  
Filing Date July 20, 2001  
First Named Inventor Smith et al.  
Examiner Name  
Group Art Unit  
Attorney Docket No. A33626-A 067252.0107

### METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:
- Deposit Account Number 02-4377
- Deposit Account Name Baker Botts LLP
- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
- ☐ Applicant claims small entity status. See 37 CFR 1.27
2. ☒ Payment Enclosed:
- ☒ Check ☐ Credit card ☐ Money Order ☐ Other

### FEE CALCULATION

#### 1. BASIC FILING FEE

| Large Entity | Small Entity | Fee Description        | Fee Paid |
|--------------|--------------|------------------------|----------|
| 710          | 355          | Utility filing fee     | 710      |
| 320          | 160          | Design filing fee      |          |
| 490          | 245          | Plant filing fee       |          |
| 710          | 355          | Reissue filing fee     |          |
| 150          | 75           | Provisional filing fee |          |

SUBTOTAL (1) (\$ 710

#### 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid |
|--------------------|--------------|----------------|----------|
| 48                 | .20** = 28   | 18             | 504      |
| 15                 | -3** = 12    | 80             | 960      |
| Multiple Dependent |              |                |          |

| Large Entity | Small Entity | Fee Description  |
|--------------|--------------|--|
| 18           | 9            | Claims in excess of 20                                     |
| 80           | 40           | Independent claims in excess of 3                          |
| 270          | 135          | Multiple dependent claim, if not paid                      |
| 80           | 40           | ** Reissue independent claims over original patent         |
| 18           | 9            | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 1,464

\*\*or number previously paid, if greater. For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description  | Fee Paid |
|--------------|--------------|--|----------|
| 130          | 65           | Surcharge - late filing fee or oath  |          |
| 50           | 25           | Surcharge - late provisional filing fee or cover sheet                     |          |
| 130          | 130          | Non-English specification  |          |
| 2,520        | 2,520        | For filing a request for <i>ex parte</i> reexamination                     |          |
| 920*         | 920*         | Requesting publication of SIR prior to Examiner action                     |          |
| 1,840*       | 1,840*       | Requesting publication of SIR after Examiner action                        |          |
| 110          | 55           | Extension for reply within first month                                     |          |
| 390          | 195          | Extension for reply within second month                                    |          |
| 890          | 445          | Extension for reply within third month                                     |          |
| 1,390        | 695          | Extension for reply within fourth month                                    |          |
| 1,890        | 945          | Extension for reply within fifth month                                     |          |
| 310          | 155          | Notice of Appeal   |          |
| 310          | 155          | Filing a brief in support of an appeal                                     |          |
| 270          | 135          | Request for oral hearing   |          |
| 1,510        | 1,510        | Petition to institute a public use proceeding                              |          |
| 110          | 55           | Petition to revive - unavoidable   |          |
| 1,240        | 620          | Petition to revive - unintentional   |          |
| 1,240        | 620          | Utility issue fee (or reissue)   |          |
| 440          | 220          | Design issue fee   |          |
| 600          | 300          | Plant issue fee  |          |
| 130          | 130          | Petitions to the Commissioner  |          |
| 50           | 50           | Processing fee under 37 CFR 1.17(q)  |          |
| 180          | 180          | Submission of Information Disclosure Stmt                                  |          |
| 40           | 40           | Recording each patent assignment per property (times number of properties) |          |
| 710          | 355          | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 710          | 355          | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 710          | 355          | Request for Continued Examination (RCE)                                    |          |
| 900          | 900          | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 0

### SUBMITTED BY

Name (Print/Type) Rochelle K. Seide Registration No. 32,300 Telephone (212) 408-2626

Signature Rochelle K. Seide Date July 20, 2001

Complete (if applicable)